IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Review Application Nos. 58 and 64 of 2018
in
C.M.A. 168 & 169 of 2016.

1. Tamilnadu Inspector General
of Registration & Principal Revenue Authority
Office of the IG of Registration
Santhome High Road, Chennai 600 028.

2. District Revenue Officer (Stamps)
Office of the DRO, Chennai
Chennai Collectorate,
Rajaji Salai, Chennai 600 001.

3. The Sub Registrar,
Office of the Sub Registrar,
Tiruporur, Chengelpet Taluk,
Kancheepuram District.

... Review Petitioners/Appellants
in both the applications

vs.

G.Mary Chellathai ... Respondent in Rev Appl. No.58/2018

M/s. M.G.M. Diamond Beach
Reasons (P) Ltd.,
Rep by its Director,
No.1, 9th Street, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

... Respondent in Rev Appl. No.64/2018

Review Applications have been filed under Order XLVII Rule 1 and 2 of the Civil Procedure Code read with Section 114 of C.P.C, against the judgment and decree passed in C.M.A Nos.168 and 169 of 2016, dated 22.08.2017 on the file of the High Court.

Prayer in C.M.A. 168 & 169/2016:

These appeals are filed under Section 47A(10) of the Indian Stamp Act 1899 R/W Rule 9(5)(e) of the Tamil Nadu Stamps Prevention of under valuation Rules 1968, to set aside the order of the 1st respondent bearing Ts. PA.Ma. No. 34450/N1/2014 and PA.Mu.No. 34451/N1/2014 dated 15.10.2015 respectively, for the aforesaid grounds and for other grounds and arguments that would be raised at the time of hearing of the above appeals.

For Review Petitioners : Mrs. A.Madhumathi
Additional Government Pleader

For Respondents : Mr. K.Bijai Sundar

C O M M O N J U D G M E N T

The Review Applications have been filed seeking for review of the common judgment dated 24.08.2017 passed in C.M.A Nos.168 and 169 of 2016

2. The Review Applications have been filed by the respondents seeking review of the Common Judgment dated 24.08.2017 made in CMA Nos.168 and 169 of 2016. The appeals challenging the orders of the Authorities made under Section 47-A (10) of the Act, were allowed by me, on the ground that the proceedings under Section 47-A cannot be invoked in a case where the proceedings for specific performance were pending. I had also referred to the judgments of the Hon'ble Supreme Court in State of Rajasthan vs. Khandaka Jain Jewellers Jewellers, reported in 2008 (1) CTC 60 and Residence Welfare Association, Noida v. State of Uttar Pradesh, reported in 2009 (14) SCC 716 equivalent to 2009 (3) LW 316, after noticing the above two judgments, I had concluded that the judgment in Residence Welfare Association case, cited supra, will be more apt to the questions involved in these appeals, I allowed the appeals holding that the very exercise of the power under Section 47-A does not meet the mandatory requirements of the provisions of Section 47-A or the Rules framed thereunder. Though the judgment of this Court in WP (MD) Nos.1922 of 2004 etc. dated 01.07.2007 has been referred to in the grounds of review the said judgment does not relate to the point in issue in the appeals. Hence, I do not see any error apparent on the face of the record to enable to entertain the review. The Review Petitions are accordingly dismissed. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

jv

To

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Review Application Nos. 58 and 64 of 2018

CNR(CO)
SP(11/04/2018)